

MINUTES

The Tennessee State Board of Cosmetology held a meeting on December 3, 2007 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, H. D. Adcock, Vice Chairman, June Huckleby, Muriel Smith, Lee Bowles and Judy Golden. Janet Wormsley was not present.

Others present were: Beverly Waller, Executive Director, Kathryn Wiseman, Staff Attorney and Debbie Gean, Administrative Assistant I.

Chairman Linda Colley welcomed inspectors.

Chairman Linda Colley called for roll call.

MINUTES

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to accept the minutes from the November 5, 2007 board meeting. Motion carried unanimously.

ADMINISTRATIVE REPORT

An application for a change of location for Mr. Harry Knox's school of cosmetology was presented to the office. Mr. Knox's first location did not meet the required square footage for a school of cosmetology. He has since located to another location and contacted the office and advised he will be ready for inspection later this week.

Mr. Larry Chadwick, Inspector stated that he is impressed with the school, that it is a great facility and in a good area. Mr. Chadwick and Ms. June Huckleby, Board member will inspect the school.

Ms. Jean Hunt had requested an extension from the 2007 cosmetology instructor seminar due to illness of her husband. The Board requested at the November meeting that she would need to submit a medical statement. Attached is a medical statement for Charles Hunt showing he was admitted to St Francis Hospital on August 16, 2007 and discharged on August 18, 2007.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Muriel Smith to grant Ms. Hunt an extension and require she attend the 2008 and 2009 instructor seminars. Motion carried unanimously.

Mr. Joe Adams is present today to request an extension from the 2006 cosmetology instructor seminar. Mr. Adams stated he did not attend the 2006 instructor

seminar due to financial restraints. He did attend the seminar in 2007 and he thought that would be okay since he attended a seminar prior to renewal of his license.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. June Huckleby to accept the request for the extension and require Mr. Adams attend the 2008 and 2009 instructor seminars. Motion carried unanimously.

Blair Miller is asking the board to waive the seven year time period of completion of hours. Hours expired August 9, 2007. Ms. Miller sent a detailed letter as to the reason she did not complete the hours in the required time period.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith accept the request and allow Ms. Miller to keep her hours. Motion carried unanimously.

Adri Stanko is requesting the board to consider licensing as an aesthetician in Tennessee. Ms. Stanko was originally from South Africa. Documents provided information on her education at Stellenbosch Academy of Health and Skin Care Therapy in South Africa. Documents states she received a Health and Skin Care Diploma – 2,400 national hours of which 1,222 are practical hours and a diploma in advanced Health and Skin Care -1,200 national hours of which 830 are practical hours. Certification of an examination was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to grant reciprocity for Ms. Stanko to become a licensed aesthetician in the State of Tennessee. Motion carried unanimously.

Maria Sonia Contreras is requesting the board consider her for licensing as a cosmetologist. Maria Sonia Contreras is from El Salvador. Supporting documents show a diploma in cosmetology from Linda Academy in the Republic of Salvador and a diploma from Ana Luz Academy with 1,800 hours. A certificate from Lina Academy (Dress Making and Cosmetology) show 216 hours.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to request Ms. Contreras take the cosmetology examination and pass to become a licensed cosmetologist in the State of Tennessee. Motion carried unanimously.

Yadira Lopez Henandez from Veracruz is requesting the board to consider her for licensing as a cosmetologist. Supporting documents from Mariano Matamoros' Beauty Academy shows 2,000 hours of instruction in the curriculum of beauty specialist.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the hours and request Ms. Henandez take the cosmetologist examination and pass to become a licensed cosmetologist in the State of Tennessee. Motion carried unanimously.

Valeria Dimitrova Angelova from Bulgaria is requesting the board to consider her for licensing as a cosmetologist. Supporting documents from the Republic of Bulgaria show certification of professional qualifications in the profession of Barber/Hairdresser, with 1,380 hours of instruction and acquired the rights of a qualified specialist in the profession.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to request Ms. Angelova provide a five year work history and the board will then make a decision. Motion carried unanimously.

Olena Berry from North Carolina is requesting reciprocity of her cosmetology license. Educational documents are from the Ukraine with no notation as the number of hours she completed in the Secondary Vocational Training School. Documents only states she completed the full course specializing as hair dresser and barber.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Muriel Smith to accept the request for reciprocity. Motion carried unanimously.

Carolyn Elizabeth Tash from Delaware is requesting reciprocity of her aesthetician license. Ms. Tash completed 400 hours in the curriculum and obtained her license May 26, 04 and has no five year work history due to length of time license.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to request Ms. Tash return to school for an additional 350 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

Elizabeth Arguez from Florida submitted an application for reciprocity of her cosmetology license. Education in the cosmetology curriculum was 1,000 hours in the State of New York. Ms. Arguez holds a valid license currently in the State of Florida in which the certification is from. She submitted a work history but it is not a recent five year consistent.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to request Ms. Arguez take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Gwendolyn Newton from Alabama submitted an application for reciprocity of esthetics license. Her education is 3,000 hours apprenticed with Beau-Ti-Fy Salon and she was issued her original license March 30, 2006.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to request Ms. Newton take the esthetician examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Chelsie Mae Harting from Florida submitted an application for reciprocity of her esthetics license. Certification from Florida provides 260 hours and she has submitted her student transcript from International Academy in Florida showing she obtained 751.70 hours.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to request Ms. Harting to take the esthetician examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Jessica Gunter from Louisiana submitted an application for reciprocity of her cosmetology license. Proof of education is 1,200 hours in the cosmetology curriculum in the State of New Jersey. She has no recent and consistent five year work history due to the birth of 2 children.

MOTION was made by Ms. June Huckleby and seconded by Ms. Lee Bowles to request Ms. Gunter take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

PSI Open House invitations were sent to all cosmetology schools. One Board member from each grand division has been approved to attend. Ms. Waller stated she will let the members in each division choose. Muriel Smith is the only West Tennessee Board Member we have. The site supervisor Shonelle Griffith who is a licensed cosmetology instructor employed by PSI will be at all open houses. Also, provided is information on the list of products that are listed in the manicurist information bulletin as examples of odorless products that may be used for the manicurist examination.

An updated cosmetology school listing was provided to the board members.

An unlicensed person performing body wraps in a skin care shop licensed by the cosmetology board was reported and also the usage of machine called the Soli-tone that uses photo led cold light therapy and low level impulse micro-current that stimulates the skin to produce new collagen. The main question is can an unlicensed person work in a shop licensed by the board performing body wraps? Is the machine described under the scope of usage for a license esthetician in Tennessee?

The board stated that they have no jurisdiction over body wraps and yes the machine described can be used by a trained esthetician.

Maria Guadalupe Monty from Florida submitted an application for reciprocity of her manicurist license. Certification from the Florida State Board is 240 hours and initial date of license March 1, 2007.

MOTION was made by Ms. Judy Golden and Mr. H. D. Adcock to request Ms. Monty return to school for the 360 additional hours then take and pass the manicure examination to become licensed in the State of Tennessee. Motion carried unanimously.

Le Ngoc Pham from Florida submitted an application for reciprocity of her manicurist license. Certification from Florida State Board states she is licensed as a full specialist which is 500 hours (nails & facial). Initial date of licensing was August 19, 2004, so she has no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to request Ms. Pham return to school for the additional hours then take and pass the manicure examination to become licensed in the State of Tennessee. Motion carried unanimously.

The office received an update on reciprocity requirements from the State of Arkansas. As of July 31, 2007 all reciprocity applicants are required to take an Arkansas state law examination. It is a short exam that focuses on licensing and health/safety questions. In addition, they must verify that all reciprocity applicants have passed a national written and practical exam. It does not have to be the NIC national exam, but it must be a national examination. A state prepared exam that is administered by a private-testing entity does not suffice as a national exam. Attached is the sheet which shows the examination requirements for Arkansas license. The Tennessee examination is recognized as a national examination applicants are only required to take the state law only.

A copy of a memo was sent to all cosmetology schools advising of the importance of attending the Open House at the PSI test sites. The PSI test site supervisor Shonelle Griffith will be present and they can ask any questions and receive clarification on any thing needed concerning the examination. The board office is running low on law books and due to budgeting we will not be able to order books at this time. We are letting schools know that the laws and rules are available on our web site and have provided the web address.

A request from Southwest Tennessee Community College for approval to offer the shampoo technician curriculum at the community college was submitted to the office. Ms. Waller discussed the fact with Ms. Reed that this course was required to be offered in a licensed school of cosmetology and Ms. Reed requested Ms. Waller present her request to the board for discussion.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Lee Bowles to deny the request. Motion carried unanimously.

At the previous board meeting Ms. Waller gave the board a listing of states responses concerning the use of formalin in salons. We had a late response from Guam which I have attached. The Board Chairman had asked Ms. Waller to find out the NIC requirements for sanitation which is attached.

The board decided that Tennessee does not require the use of formalin as a disinfectant and does not prohibit the use of formalin. All tools and implements must be cleaned with soap and water and disinfected by complete immersion in an EPA (Formulated for Hospitals) disinfectant that is mixed and used according to the

manufacturer's directions, then rinsed, dried and stored in clean closed container or UV sanitizer. It was decided that the inspectors would inform salons in their area of this statement.

A request for an extension from the 2007 cosmetology instructor seminar from Kathy Meade was presented at the November board meeting and the board voted to request a medical statement. Ms. Meade sent a letter advising that she did not mean to imply that her mother had an illness due to hospitalization as the reason she did not attend, but that she is the sole care giver to her 84 year old mother. Her mother is legally blind and has a lot of health issues on the date of the seminar she was having breathing problems which was due to her Chronic Obstructive Pulmonary Disease and she could not be left alone and she could not find anyone to stay with her.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Lee Bowles to accept the request for an extension and request Ms. Meade attend the 2008 and 2009 Instructor seminars. Motion carried unanimously.

The University of Memphis has sent a tentative agenda and dates for the 2008 Cosmetology Instructor Seminar. The dates will be June 22 & 23, 2008.

MOTION was made by Ms. Muriel Smith and seconded by Mr. H. D. Adcock to accept the dates of the seminar in Memphis. Motion carried unanimously.

Consent orders totaled \$1,750.00.

Q Nails
2108 W. Market St. #B
Johnson City, TN 37604

Violation issued September 21, 2007
Pd. \$750.00 on November 28, 2007

T & T Nails
9313 Kingston Pike
Suite D
Knoxville, TN 37922

Violation issued August 7, 2007
Pd. \$1,000.00 on
November 19, 2007

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to accept the consent orders. Motion carried unanimously

STAFF ATTORNEY REPORT

1. Case No.: L07-COS-RBS-2007079081

August 29, 2007 Notice of Violation provides that the Respondent, shop owner, moved her shop to a new location prior to an inspection.

Prior complaints: None

Recommendation: Authorize formal hearing (Consent Order with \$500.00 civil penalty)

This case was presented at the November meeting. Respondent called to say that she had already paid \$500 to the Barber Board for the same thing. Respondent asks that the Board consider

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the \$500.00 with letter of warning. Motion carried unanimously.

2. Case No.: L07-COS-RBS-2007083801

Complaint alleges that the Respondent is providing aesthetics services without a license. Respondent is a licensed nurse and licensed electrologist who provides these services under the supervision of a consulting dermatologist.

Recommendation: Dismiss

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

3. Case No.: L07-COS-RBS-2007087411

November 2, 2007 Notice of Violation provides that the Respondent was operating a natural hair styling shop without a shop license and without a natural hair styling license.

Recommendation: Cease & Desist

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Lee Bowles to accept the recommendation. Motion carried unanimously.

4. Case No.: L07-COS-RBS-2007087431

November 5, 2007 Notice of Violation provides that Respondent was operating a shop with an expired shop license (expired July 31, 2007). Respondent has renewed the license.

Duplicate complaint filed with the barber board.

Recommendation: Authorize formal hearing (Consent Order with \$150.00 civil penalty)

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

5. Case No.: L07-COS-RBS-2007087441

November 6, 2007 Notice of Violation provides that the inspector observed one individual working with an expired license and no fumigants in closed containers.

The individual has renewed her license.

Recommendation: Authorize formal hearing (\$250 civil penalty)

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

6. Case No.: L07-COS-RBS-2007087451

November 9, 2007 Notice of Violation provides that manicure shop had a wax machine hot and ready for use.

Recommendation: Authorize formal hearing (\$250 civil penalty)

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

7. Case Nos.: L07-COS-RBS-2007087461

November 7, 2007 Notice of Violation states that Respondent allowed an unlicensed employee to work in a manicure shop.

Recommendation: Authorize formal hearing (Consent Order with \$500.00 civil penalty)

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

8. Case No.: L07-COS-RBS-2007087481

November 6, 2007 Notice of Violation states that the inspector observed the following violations: dirty floors, no fumigants, fish tank, and stylists working with expired license.

One stylist's license was recently reinstated after being suspended for child support violations. I think there was some confusion on his part about the steps he needed to take to have his license made current.

Prior complaints:

2001- expired license, \$300.00 civil penalty

2005- fish tank and expired license, \$500.00 civil penalty

Recommendation: Authorize formal hearing (Consent Order with \$1,000.00 civil penalty)

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

9. Case No.: L07-COS-RBS-2007068681

Complainants allege that Respondent drinks while at work and is frequently intoxicated while working on clients. One of the Complainants states that Respondent has actually injured a client with her scissors.

This office conducted an investigation which found that Complainants were disgruntled ex-employees of Respondent. Complainants were uncooperative with the Investigator and refused to provide sworn statements. One Complainant stated in a phone interview that she did not actually know who was injured or that it actually happened; her complaint was based on a rumor she had heard.

Recommendation: Dismiss

MOTION was made by Ms. Lee Bowles and seconded by Mr. H. D. Adcock to accept the recommendation. Motion carried unanimously.

10. Case No.: L07-COS-RBS-2007058301

Complaint was opened based on an anonymous report that Respondent was allowing unlicensed individuals to perform services. An investigation was conducted which found no evidence of unlicensed activity. The inspector for the area also stated that he has not found unlicensed activity at this salon.

Recommendation: Dismiss

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

11. Case No.: L07-COS-RBS-2007064951

Complaint was opened based on an anonymous report that Respondent was allowing unlicensed individuals to perform services. An investigation and inspection were conducted. At the time of the investigation there were 39 employees, 37 of whom were able to show licenses. No other violations were found at the shop.

Recommendation: Formal Hearing (\$1,000 civil penalty)

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Lee Bowles to accept the recommendation. Motion carried unanimously.

The board will meet on January 7, 2008.

The board will vote for election of officers at the January meeting.

MOTION was made by Ms. Lee Bowles and seconded by Mr. H. D. Adcock to adjourn the meeting